

REMARKS

In the Office Action dated September 11, 2003, claims 1-36 were rejected under 35 U.S.C. § 103 over U.S. Patent No. 6,363,065 (Thornton) in view of either U.S. Patent No. 6,404,774 (Jenness) or U.S. Patent No. 6,549,621 (Christie).

STATEMENT OF COMMON OWNERSHIP OF THE PRESENT APPLICATION AND CHRISTIE

The present application and the Christie reference were, at the time the invention was made, owned by, or subject to an obligation of assignment to, the same person (Nortel Networks Ltd.).

Therefore, under § 103(c), Christie is disqualified as prior art against claims of the present application. Withdrawal of the § 103 rejection over the asserted combination of Thornton and Christie is respectfully requested.

REJECTION UNDER 35 U.S.C. § 103 OVER THE ASSERTED COMBINATION OF THORNTON AND JENNESS

It is respectfully submitted that a *prima facie* case of obviousness has not been established with respect to any of the independent claims over the asserted combination of Thornton and Jenness.

Contrary to the assertion in the Office Action, Thornton does not disclose or suggest the following combination of elements: providing a user interface in a control system for establishing call sessions, and communicating (by the control system) one or more control messages over a data network to establish a call session with a remote device in response to receipt of a request through the user interface. The Office Action does not make clear what is considered to be the control system in Thornton. If the control system is considered to be one of the gateways 200 or 200' defined in Figure 1 of Thornton, such gateways 200 and 200' do not provide a *user interface* for *establishing call sessions* or communicating control messages over a data network to establish a call session with a remote device *in response to receipt of a request through the user interface*.

The Office Action has thus failed to establish that Thornton discloses or suggests the providing and communicating acts of claim 1. Therefore, the *prima facie* case of

obviousness is defective because the Office Action has failed to establish that the hypothetical combination of Thornton and Jenness teaches or suggests *each and every* element of claim 1.

As conceded in the Office Action, Thornton also does not disclose transmitting one or more commands to a voice device connected to the data network and associated with the control system to establish the call session between the voice device and the remote device over the data network.

Instead, the Office Action relied upon Jenness as disclosing this element. Applicant respectfully submits that Jenness also fails to disclose or suggest the transmitting act of claim 1. The transmitting act includes transmitting one or more commands to a voice device connected to the data network and associated with the control system (which communicates one or more control messages over the data network to establish the call session with the network device in response to receipt of a request through the user interface). There is no voice device associated with such a control system disclosed or suggested by Jenness. Therefore, even if the combination of Thornton and Jenness is proper, the hypothetical combination of references fails to teach or suggest all the elements of claim 1.

Applicant also respectfully submits there is no motivation or suggestion to combine the teachings of Thornton and Jenness. Thornton is directed to a gateway that is capable of switching voice calls between a PSTN and a data network depending upon the quality of service of a data network. Thornton, 11:5-14, 39:63-66. In contrast, Jenness is directed to providing ADSL service and POTS service on a common subscriber loop. Jenness, 2:54-57. There simply is absolutely no need for the features described in Jenness in the system of Thornton. Thornton and Jenness thus are directed at completely different issues, and thus a person of ordinary skill in the art would not have been motivated to combine the teachings of Thornton and Jenness. The *prima facie* case of obviousness fails for this further reason.

Independent claim 12 is also allowable over the asserted combination of Thornton and Jenness, since Thornton fails to disclose or suggest transmitting one or more commands coupled to a data network, establishing the call session between the voice device and the remote device over the data network, and displaying information

associated with the call session on the control system. The Office Action cited to column 22, lines 30-35, of Thornton as disclosing the displaying act of claim 12. The cited passage merely describes that a user can interact with a gateway through a console or a personal computer to set system configuration parameters, invoke internal test procedures, read internal event logs, download internal operational statistics, and update various software modules. However, there is no mention made whatsoever of displaying information *associated with a call session between a voice device and a remote device*. Therefore, the hypothetical combination of references also fails to disclose or suggest the recited elements of claim 12.

With respect to independent claim 25, there is no teaching or suggestion anywhere within Thornton or Jenness of a user interface including one or more selectors for call control relating to call sessions, and a controller adapted to receive a request from the user interface to generate one or more messages for communication over the data network to establish a call session with a remote device. Therefore, the hypothetical combination of Thornton and Jenness fails to disclose or suggest each and every element of claim 25.

With respect to independent claim 32, the hypothetical combination of Thornton and Jenness fails to disclose or suggest providing a user interface in a system to display information associated with a call session, and communicating one or more control messages over the data network with a remote device to establish the call session between a voice device and a remote device.

With respect to independent claim 36, there is no teaching or suggestion in Thornton and Jenness of providing a user interface in a system for establishing a call session, and communicating one or more control messages over a data network to establish the call session with the remote device in response to a request received through the user interface. Also, the hypothetical combination of Thornton and Jenness fails to disclose transmitting one or more commands to a voice device connected to the data network and associated with the control system to establish the call session between the voice device and a remote device over the data network.

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All dependent claims, including newly added dependent claims, are allowable over the cited references for at least the same reasons as corresponding independent claims.

In view of the foregoing, all claims are in condition for allowance, which action is respectfully requested. The Commissioner is authorized to charge any additional fees, including extension of time fees, and/or credit any overpayment to Deposit Account No. 20-1504 (NRT.0044US).

Respectfully submitted,

Date: \_\_\_\_\_

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